

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEIL GAIMAN, and
MARVELS AND MIRACLES, LLC,

Plaintiffs,

v.

Case No.: 02-CV-00048-bbc

TODD MCFARLANE,
TODD MCFARLANE PRODUCTIONS, INC.,
TMP INTERNATIONAL, INC.,
MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

PLAINTIFF'S SEPTEMBER REPORT TO COURT

Pursuant to the Court's March 12, 2010 Opinion and Order, plaintiff Neil Gaiman files this report regarding the status of the accounting of profits ("Accounting") due Gaiman from defendants Todd McFarlane and Todd McFarlane Productions, Inc. ("TMP") (collectively the "McFarlane Defendants").

The parties have agreed to the following schedule for the submission of materials to the accountant:

- 1) On October 15, 2010, the parties will submit to the accountant their respective proposed schedules of revenues and deductions from revenues for each item that is subject to the accounting.
- 2) On October 29, 2010, the parties will submit to the accountant their opening briefs regarding any disagreements about the revenue and deduction information submitted on October 15.

3) On November 12, 2010, the parties will submit to the accountant their briefs in response to the October 29th briefs.

After all of the above documents are submitted to the accountant, the parties will schedule a conference call with the accountant to obtain his estimate of when he expects to issue his decision.

Dated this 30th day of September, 2010.

s/Jeffrey A. Simmons

Allen A. Arntsen, WI Bar No. 1015038
Jeffrey A. Simmons, WI Bar No. 1031984

Of Counsel:

Kenneth F. Levin
Kenneth F. Levin & Associates, Chtd.
3100 Dundee Rd., Ste. 307
Northbrook, Illinois 60062-2459
Tel: (312) 827-9000
KenFLevin@gmail.com

FOLEY & LARDNER LLP
150 East Gilman Street
Madison, WI 53703-2808
Tel: (608) 257-5035
Fax: (608) 258-4258
aarntsen@foley.com
jsimmons@foley.com

Attorneys for Plaintiffs